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Paper No. 25

OFFICE OF THE STAFF JUDGE ADVOCATE  
U.S. ARMY MEDICAL RESEARCH AND MATERIEL COMMAND  
ATTN: MCMR-JA (MS. ELIZABETH ARWINE)  
504 SCOTT STREET  
FORT DETRICK, MD 21702-5012

**COPY MAILED**

**JUN 23 2004**

In re Application of :  
Rasche, et al. :  
Application No. 09/829,007 :  
Filed: April 10, 2001 :  
Atty. Dkt. No.: EAMC00-09 01 :  
OFFICE OF PETITIONS  
DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 6, 2004, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned December 29, 2003 for failure to timely file a proper appeal brief in response to the Notice of Defective Brief mailed November 28, 2003. Notice of Abandonment was mailed March 9, 2004.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the final Office action is accepted as having been unintentionally delayed.

This application will be forwarded to Technology Center 3700 for processing of the Appeal Brief submitted with the instant petition.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0310.

  
Alesia M. Brown  
Senior Petitions Attorney  
Office of Petitions